

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MELVIN JOHNSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 4:02CV1021 RWS
	)	
DAVE DORMIRE,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Melvin Johnson's petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 [#4]. Under 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Lewis M. Blanton, who filed his Report and Recommendation on August 16, 2005. It is Judge Blanton's recommendation that the petition be denied. Judge Blanton further recommends that no certificate of appealability be issued.

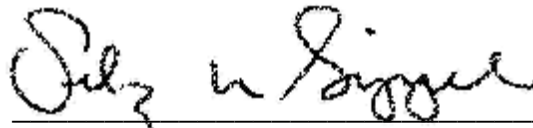
The parties were advised that they had eleven (11) days to file written objections to the Report and Recommendation. Neither party has filed an objection.

After careful consideration of the Report and Recommendation,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge [#13] is **SUSTAINED, ADOPTED AND INCORPORATED** herein.

**IT IS FURTHER ORDERED** that Johnson's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 [#4] is **DENIED**.

**IT IS FURTHER ORDERED** that the Court will not issue a Certificate of Appealability.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippel", written in black ink.

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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 14th day of September, 2005.